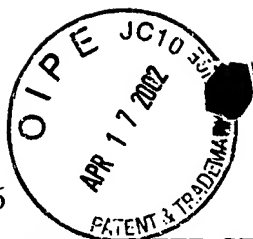


S/N 09/739,406



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Weiyu Fan et al.	Examiner:	Neil S. Levy
Serial No.:	09/739,406	Group Art Unit:	1616
Filed:	December 18, 2000	Docket No.:	11936.6USI1
Title:	CHITOSAN AND METHOD OF PREPARING CHITOSAN		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the paper(s), as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on April 10, 2002.

By:

Cyndee Krenos

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed February 8, 2002, Applicants elect, with traverse, the claims of Group I (claims 7-17), which are drawn to chitosan. This election is made without prejudice to presenting the non-elected claims in a divisional application. Specifically, while Applicants make the election indicated herein, Applicants maintain the option to file a divisional application directed to claims of Group II, drawn to a process of obtaining chitosan.

Applicants traverse the rejection on the basis that the claims are not of sufficiently distinct inventions that would require separate examinations of each set. The Examiner has issued a Restriction Requirement and has requested that the Applicants select between either claims from Group I (claims 7 to 17) or from Group II (claims 18 to 31). This restriction request has been made under MPEP Section 806.05(f), relating to distinctness between a process of making and a product made by the process.

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In the present case, the product and process are sufficiently related that Applicants believe they should be examined in one application, and that it will not be an undue burden to examine both sets at this time. Applicants call to the Examiner's attention that both the chitosan and the method of making the chitosan require the use of microbial or fungal biomass. Therefore, Applicants respectfully assert that restriction between the claims is not necessary or appropriate, and the Examiner's assertion that the chitosan can be obtained from arthropod starting material is misplaced. The invention is not directed to the use of arthropod starting material, or any other crustacea or shellfish, but rather only to microbial biomass such as fungal biomass.



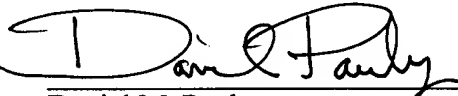
Respectfully submitted,

Weiyu Fan et al.,

By their Attorneys,

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Date: 4/10/2002

  
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DMP:ck